IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 11TH OCTOBER 2006 / 19TH ASWINA 1928

CRL.A.No. 655 of 1998()

ST.3883/1996 of JUDL.MAGISTRATE OF FIRST CLASS COURT, OTTAPPALAM
SPECIAL LEAVE GRANTED AS PER ORDER IN CRL.M.C.344/98
DATED 6.8.1998

.....

APPELLANT/COMPLAINANT:

C.PADMANABHAN,S/O.VELU,CHAMATHAKUNDIL HOUSE, KAVALAPARA.

BY ADV. SRI.K.S.MADHUSOODANAN
SRI.C.P.PEETHAMBARAN

RESPONDENTS/ACCUSED AND FORMAL PARTY:

1.K.KUNJU,S/O.VELAYUDHAN,PULLAPARAMBIL THANUR POST, PALAKKAD.

2.STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 11/10/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY, J.

Criminal Appeal.No.655 OF 1998 ()

Dated this the 11th day of October, 2006

JUDGMENT

Appellant filed a complaint under Section 138 of the Negotiable Instruments Act contending that cheque issued by the 1st respondent was dishonored due to insufficiency of funds. Notice was ordered on 28.8.1998. But notice was not served. No further steps were taken. In any event, acquittal of the accused in the absence of the complainant cannot be stated to be illegal so as to warrant interference by the appellate court. Hence this appeal is dismissed.

J.B.KOSHY, JUDGE

prp

J.B.KOSHY

Criminal.Appeal.655 OF 1998

JUDGMENT

11th October, 2006